

## **COMMITTEE ON BILLS ON SECOND READING**

**March 19, 2001**

**Upon Conclusion of Special BMA (Public Hearing)**

Chairman Wihby called the meeting to order.

The Clerk calls the roll.

Present: Aldermen Wihby, Sysyn, Clancy, Pinard, Cashin

Messrs: R. MacKenzie

Chairman Wihby addressed Item 3 of the agenda:

Ordinance:

"Amending the Zoning Ordinance of the City of Manchester by Revising Sections 8.05 and 3.03 to increase the allowed Floor Area Ratio for elderly building projects from .75 to 1.0 and to revise the definition of Floor Area Ratio to exclude parking garages from the calculation."

Chairman Wihby stated we had a public hearing earlier and nobody spoke against the recommendation from Planning to do this.

On motion of Alderman Cashin, duly seconded by Alderman Sysyn, it was voted that the Ordinance ought to pass.

Alderman Clancy asked can you give us an example of where this would be a benefit and to who it would be a benefit.

Mr. MacKenzie answered there are several existing high-rises and this would grandfather those existing like the Burns, O'Malley and Kolivas would fall into this and it would cover that. There is an interest in a new project, a new elderly project up in the northwest part of the City that is interested in using this provision for an elderly high-rise. That is up off of Riverfront Drive. I do know that there is a strong demand for these type of units. There have been a couple of groups that have been discussing these type of units so this could potentially apply to several new projects.

Chairman Wihby addressed Item 4 of the agenda:

Building and Fire Code Ordinances submitted by the Building Commissioner:

"Repealing the 1987 BOCA National Building Code as adopted in Section 151.01 of the City of Manchester Code of Ordinances, and the Housing Code as adopted in Section 150.001 of the City of Manchester Code of Ordinances, and adopting the 2000 editions of the *International Building Code*, *International Property Maintenance Code*, *International Mechanical Code* and the *International Fuel Gas Code*, as well as the 1999 edition of *The National Electric Code* and the 1993 edition of *BOCA Plumbing Code*; establishing minimum regulations governing buildings and structures; and establishing fees for the issuance of permits and certificates for the construction and occupancy of buildings and structures."

"Repealing the *BOCA/National Fire Prevention Code*, 1990 adopted in Section 92.05 of the City of Manchester Code of Ordinances, and adopting the 2000 edition of the *International Fire Code*, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Manchester; and providing for the issuance of permits and the collecting of fees for hazardous uses or operations.

On motion of Alderman Pinard, duly seconded by Alderman Clancy, it was voted to refer this item to a public hearing on Monday, April 23, 2001 at 7 PM in the Aldermanic Chambers of City Hall.

Chairman Wihby addressed Item 5 of the agenda:

Proposed amendment to the City Charter --

The proposed change would:

Amend the Charter of the City of Manchester, New Hampshire to provide that the school district shall be a department of the city and that the mayor shall have control over the form and procedures for preparation and adoption of the school department budget.

The text of the proposed amendment is as follows:

Article IV. School and School Committee, Section 4.01 School District shall be amended to read as follows:

The City of Manchester, a municipal corporation, shall continue to constitute a single school district, administered by the board of school committee as a department of the City of Manchester. Wherever this charter refers to the school district, school district shall also mean school department. Except as otherwise provided in this charter the board of mayor and aldermen and the school committee shall continue to exercise such power in relation thereto as these respective bodies exercised at the time of the adoption of this charter.

Article VI. Budgets and Appropriations, Section 6.03 (a) Budget Formulation, Submission and Message shall be amended to read as follows:

The mayor shall establish the form and organization of procedures for preparation and adoption of the annual budget, including the school department budget, the capital improvement budget, and other budget instruments and plans for future fiscal periods as the mayor deems appropriate and which shall conform to all city ordinances concerning budgets and fiscal matters. Such procedures shall require that all budgets include all proposed expenditures according to general objects of expenditure and the proposed use and all anticipated revenue.

Article VI. Budget and Appropriations, Section 6.06 School District Budget shall be amended to read as follows:

The school committee shall prepare and submit its budget proposal. The budget shall be subject to the approval of the board of mayor and aldermen. The budget shall be submitted in accordance with the budget form, organization of procedures and schedule established by the mayor under Section 6.03(a). The board of mayor and aldermen shall accept such budget as submitted, or reject it and return it to the school committee along with the explanation for rejection and the maximum dollar amount which the board of mayor and aldermen will approve. The school committee shall then submit a revised budget, which shall not exceed the maximum dollar amount established by the board of mayor and aldermen. The school committee shall administer, expend and account for the funds

approved by the board of mayor and aldermen and shall have the exclusive authority to transfer funds among line items in the school budget.

Article VI. Budgets and Appropriations, Section 6.08 shall be amended to read as follows:

The board of mayor and aldermen may provide by ordinance any additional procedures for administering of the budget, including the budget of the school department.

(Public hearing held March 14, 2001.)

Alderman Pinard moved to recommend that the question be placed on the ballot of the Municipal General Election to be held on November 6, 2001. Alderman Wihby duly seconded the motion. Chairman Wihby called for a vote. The motion failed with Aldermen Sysyn, Cashin and Clancy being duly recorded in opposition.

Alderman Sysyn moved to deny the request to place the question on the ballot of the Municipal General Election to be held on November 6, 2001. Alderman Clancy duly seconded the motion. Chairman Wihby called for a vote. The motion carried with Aldermen Wihby and Pinard duly recorded in opposition.

Chairman Wihby stated that he would file a minority report.

There being no further business, on motion of Alderman Pinard, duly seconded by Alderman Clancy, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee